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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,831	12/12/2001	Mark Andrew Boys	P1364	7488
24739	7590	07/25/2005	EXAMINER	
CENTRAL COAST PATENT AGENCY PO BOX 187 AROMAS, CA 95004			HEWITT II, CALVIN L	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/016,831

Applicant(s)

BOYS, MARK ANDREW

Examiner

Calvin L. Hewitt II

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 May 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-24 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

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***Status of Claims***

1. Claims 1-24 have been examined.

***Response to Amendments/Arguments***

2. Claims 1 and 13 have been amended. Specifically, the language of “to view specific information” has been replaced with “to obtain online specific information”. However, this is taught by the prior art of Gruber et al. as Gruber et al. provide charitable organization websites where a potential donor can find information on the organization. Gruber et al. also teach donations via electronic funds transfer (figures 5 and 6; paragraph 49) therefore it is inherent that donations made from a credit card account are deposited into an account associated with the charitable organization.

Claims 3 and 15 are directed to an IVR system. Claims 1 and 13, from which claims 3 and 15 depend, respectively, are directed, to a system and method for making direct donations comprising a server, a data store and software running on said server. Therefore, claims 3 and 15 do not further limit the scope of Applicant's claims, nor do they distinguish Applicant's claims from the prior art, as an apparatus must be distinguished from the prior art in terms of structure rather than function (MPEP 2114) and structure in method claims

must affect the method in a manipulative sense and not to amount to the mere claiming of a use of a particular structure (Ex parte Pfeiffer, 135 USPQ 31 (BdPatApp&Int 1961)).

The following assertion of facts has gone unchallenged and are now considered admitted prior art:

- hyperlinks and hypertext
- making charitable donations of monetary and/or non-monetary gifts
- connecting to a server via IVR
- a user has access to an account set up by said user

Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection. Specifically, the Examiner has applied new 112 rejections in response to Applicant's claim amendments.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 13 recite "enabling a potential donor to obtain online specific information about qualified end recipients". Applicant's Specification, however, merely recites user specific information (Specification, page 14, lines 3-10) therefore, Applicant's claims are unclear to one of ordinary skill (*In re Zletz*, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989)).

Claims 2-12 and 14-24 are also rejected as they depend from claims 1 and 13 respectively.

Claims 4 and 16, which depend from claims 1 and 13, respectively, recite "financial institutions" for facilitating donations to a recipient. Therefore, it is not clear to one of ordinary skill what the Applicant means by "direct", in claims 1 and 13.

Claims 5 and 6, and 17 and 18 are also rejected as they depend from claims 4 and 16, respectively.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 4, 5, 13, 16 and 17 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Gruber et al., US Patent Application Publication 2002/0029179.

As per claims 1, 4, 5, 13, 16 and 17, Gruber et al. teach a system for direct donation comprising:

- server accessible by potential donors (figure 1)
- data store accessible to the server and storing information about potential recipients pre-qualified for donations (figures 1, 2, and 8-10)
- software suite enabling a donor to view information about recipients and enabling a donor to make a donation to the selected recipient (figures 2 and 8-10)
- setting up accounts for donors and recipients interacting with a financial institution for crediting a recipient account and debiting a donor account (figures 5 and 6)

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2, 3, 6, 7, 14, 15, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gruber et al., US Patent Application Publication 2002/0029179.

As per claims 2 and 14, Gruber et al. teach a system for making donations over the internet (figures 1, 2 and 8-10). Gruber et al. also teach displaying recipients (figures 3 and 5), "clicking on a recipient" (figure 3), and learning more about a recipient at a recipient's webpage (page 3, paragraph 37). Hypertext and hyperlinks are old and well known. Therefore, it would have been obvious to one of ordinary skill to construct a web document where a user can click on a recipient and be transferred to a webpage where a user can learn more about the selected recipient.

As per claims 3 and 15, Gruber et al. teach a system for making donations over the internet (figures 1, 2 and 8-10). Specifically, users interacting with the Gruber et al. system communicate with a server (figure 1; page 2, paragraph 33). A well-known method for connecting with a server is via IVR.

As per claims 6, 7, 18 and 19, Gruber et al. teach a system for making donations over the internet (figures 1, 2, and 8-10). Gruber et al. also teach setting up accounts for donors and recipients and interacting with a financial institution for crediting a recipient account and debiting a donor account (figures

5 and 6). Regarding viewing accounts, once a client as set-up an account with a financial institution, such as a bank, it is well-known that said client has access to said account. Gruber et al. disclose tax-exempt entities such as charities and nonprofit organizations (page 3, paragraphs 33 and 36). In order to qualify as "tax-exempt", an organization must file with the IRS to determine eligibility under 501(c)(3). Therefore, it would have been obvious to one of ordinary skill to make this information available to donors on the recipient's webpage in order to encourage said donor to make donations (page 3, paragraphs 36 and 37)

9. Claims 8-12 and 20-24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Gruber et al., US Patent Application Publication 2002/0029179 and Cohen, U.S. Patent No. 6,422,462.

As per claims 8-12 and 20-24, Gruber et al. teach a system for making donations over the internet (figures 1, 2 and 8-10). It is well known to those of ordinary skill in charitable giving and charitable organizations to donate monetary and non-monetary gifts. However, Gruber et al. do not specifically recite redeemable documents associated with an identity for redeeming a donation. Cohen teaches a system for creating redeemable and non-transferable cards comprising creating virtual identities for a recipient which must be associated with the redeemable card to implement redemption (abstract; column 3, lines 18-27; column/line 3/55-4/11; column 5, lines 10-16; column/line 7/65-8/57; column 10,



4-13; column/line 11/57-12/15; column 13, lines 38-62). Therefore, it would have been obvious to one of ordinary skill to combine the teachings of Gruber et al. and Cohen in order to prevent an organization from using a donor's gift in a manner other unauthorized by the donor ('462, column/line 7/65-8/58).

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (571) 272-6709. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James P. Trammell, can be reached at (571) 272-6712.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

c/o Technology Center 2100

Washington, D.C. 20231

or faxed to:

(571) 273-8300 (for formal communications intended for entry and after-final communications),

or:

(571) 273-6709 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Calvin Loyd Hewitt II

July 18, 2005

*Calvin Loyd Hewitt II*  
PRIMARY PATENT EXAMINER